
CHAPTER 19

SPECIAL REPORTING OF SERIOUS INJURY, ILLNESS, OR FATALITY

THE DEPARTMENTAL REPORTING PROTOCOL

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CHAPTER 19

SPECIAL REPORTING OF SERIOUS INJURY, ILLNESS, OR FATALITY

THE DEPARTMENTAL REPORTING PROTOCOL

19.0-0 INTRODUCTION

Whenever an employee has a serious occupational injury, illness, or is fatally injured in connection with any employment activity, including incidents of workplace violence, or is a victim of a crime that occurs at a place of employment, Cal/OSHA, the State Compensation Insurance Fund (SCIF), and the Labor Code require special reporting procedures.

19.0-1 PURPOSE

This chapter explains the Cal/OSHA, SCIF, and Labor Code requirements, and describes the Department's protocol for reporting timely and accurate information to the affected employee's chain-of-command, other agencies, and/or jurisdictions.

Because of the variety of reporting requirements, personnel activities associated with gathering information, medical and survivor benefits issues, and investigative processes, this chapter is divided into four (4) parts as follows:

Part 1. Covers what-to-do by the **first-person** after they become aware that an injury, illness, or fatality has occurred.

This section focuses on specific actions the **first-person** must do immediately following an accident, what information is needed, and how to report.

Part 2. Covers what-to-do by various management personnel, as a matter of routine immediately following an injury, illness, or fatality.

This section focuses on chain-of-command notices and routine activities performed by supervisors and personnel offices, including writing letter of condolence, workers compensation benefits and payments, release of names, family notices, and lowering flags to half-staff.

Part 3. Explains other activities available to management.

This section discusses time off to attend funeral services, family visitations, and employee assistance (EAP).

Part 4. Describes the investigative processes.

This section explains the three (3) investigative processes available to management. They include an internal process known as DART, the California Highway Patrol process known as MAIT, and the Cal/OSHA process which focuses on violations of safety and health regulations.

19.0-2 POLICY STATEMENT

Managers, supervisors, and employees shall do everything reasonably possible to follow the Department's protocol for reporting timely and accurate information to the affected employee's chain-of-command, other agencies, and/or jurisdictions.

19.0-3 REPORTING REQUIREMENTS

The California Code of Regulations and the Labor Code require specific reporting procedures covering work-related injury, illness, and fatality in connection with any employment activity, including incidents of workplace violence, and when an employee is a victim of a crime that occurs at a place of employment. The following two (2) subsections describe each reporting requirement:

19.0-3.1 Cal/OSHA REPORTING REQUIREMENTS AND DEFINITIONS

Cal/OSHA requires that every employer shall report any serious injury, illness, or fatality, by telephone, **within 8 hours** to a local or regional office:

Cal/OSHA defines serious injury or illness as:

“ . . . any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation, or in which an employee suffers a loss of any member of the body or suffers a serious degree of permanent disfigurement, but does not include any injury, illness, or death caused by the commission of a Penal Code violation, except the violation of Section 385 of the Penal Code, or an accident on a public street or highway.” [Title 8 CCR Section 330(h)]

Cal/OSHA also requires reporting the following:

“ . . . any serious injury, or illness, or death of an employee occurring in a place of employment or in connection with any employment.”
[Title 8 CCR Section 342(a)]

See NOTE on next page.

NOTE: Inpatient hospitalization is only part of the qualifying definition. The severity of the injury or illness is also important in deciding whether or not it is necessary to notify Cal/OSHA.

As a matter of policy, the local or regional office of Cal/OSHA shall be notified as soon as possible but, **no longer than 8 hours** after a qualifying serious injury, illness, or death occurs.

The District or Headquarters Safety and Health Officer or staff shall make the required Cal/OSHA notification.

19.0-3.2 NOTICE TO EMPLOYEE CRIME VICTIMS

- **Eligibility for workers' compensation for employee(s) who is(are) victim(s) of a crime that occurred at place of employment**

Section 3553 of the Labor Code requires management to, "... give any employee who is a victim of a crime that occurred at the employee's place of employment written notice that (he or she) is eligible for workers' compensation for injuries, including psychiatric injuries, that may have resulted from the place of employment crime."

The notice must be given either personally or by first-class mail, within one working day of the place of employment crime, or within one working day of the date the employer reasonably should have known of the crime.

Supervisors, with the assistance of the District Safety and Health Offices, and the Workers' Compensation Case Managers shall ensure that affected employee(s) are notified about this policy.

As a general rule, notification about eligibility for workers' compensation for injuries, including psychiatric injuries, should be given to: 1) injured employee(s), 2) an employee(s) directly involved, but uninjured, 3) and/or employee(s) at the worksite.

NOTE:

See Chapter 6 - WORKPLACE VIOLENCE for details about Departmental policies, procedures, and strategies for maintaining a zero tolerance for violence in the workplace.

See Chapter 9 - FIRST AID AND EMERGENCY MEDICAL TREATMENT, Section 9.07 NOTICE TO EMPLOYEE CRIME VICTIMS, for specific language.

PART 1. INITIAL NOTIFICATION AND REPORTING**19.1-1 SPECIFIC FIRST-PERSON REPORTING**

Whenever a serious occupational injury, illness, or fatality occurs, **the first person** (any employee) who becomes aware of an accident shall:

- Obtain sufficient preliminary information about the accident so all levels of management can be as well informed as possible during the early stages of gathering the facts.

The preliminary information should include, but not limited to:

- type of accident (motor vehicle/pedestrian),
 - type of work (maintenance work zone/construction work zone),
 - severity of injury(ies) (fatal/personal injury/chemical exposure),
 - location (city/county/highway/post mile),
 - date, time of day,
 - where they were taken for medical attention,
 - name of injured employee(s),
 - work classification of injured employee(s),
 - description of other party (company name/individual name), and/or
 - type of vehicle (truck/truck-trailer/auto).
- The **first-person** shall notify (by telephone or personal visit, etc.) his/her supervisor with as much of the preliminary information, as described above, as soon as possible. If the supervisor is unavailable, the **first person** shall notify another appropriate person; e.g., leadworker, co-worker, another supervisor. Follow the area's chain-of-command.

During the early stages of information gathering, the following persons shall be notified by telephone or facsimile:

- The District Division Chief for the functional area;
- The District Director;
- The Program Manager or Service Center Director for the functional area;
- The Director's Office; and,
- The Safety and Health Officer (District or Headquarters).

(The titles of individuals and/or the names of offices listed here are provided as a general guide and are not displayed in order of strict priority. What is important is that the person receiving the preliminary information shall, at a minimum, notify or be responsible to ensure the notification is made.)

19.1-2 ACTIONS FOR FATALITIES

The following are mandatory actions whenever there is a fatality. The items are not listed in order of strict priority.

See Section 19.2-1 - **CHAIN-OF-COMMAND REQUIREMENTS**, for more information.

- **Notify Director's Office and other managers**

Responsibility of affected employee's chain-of-command

- **Initial family notification**

Responsibility of affected employee's chain-of-command

NOTE:

Release of the deceased employee's name should be done only after confirmation of the Coroner's Office or other appropriate authority.

Premature release of an employee's name based on informal co-worker or unauthorized eyewitness identification shall be avoided.

- **Statewide notification**

Responsibility of Director's Office

- **Notice to lower flags to half-staff* from the day of the employee's death through the day of the funeral**

Responsibility of Director's Office and Facilities Management

* NOTE: Building managers shall ensure that flags are lowered and raised when directed. To ensure all employees are notified in a timely manner, particularly employees who work in remote areas such as maintenance stations, construction field offices, and satellite offices, the notice to lower flags to half-staff and return to full-staff, should be made by telephone or facsimile machine.

- **Personal visitation to family member or designated individual**

Responsibility of affected employee's chain-of-command

- **Cal/OSHA notification**

Responsibility of Office of Safety and Health

- **Notify Department of General Services, Office of Insurance and Risk Management notification**

Responsibility of Office of Safety and Health

- **Notify State Compensation Insurance Fund (SCIF)**

Responsibility of Personnel Transactions and the Office of Safety and Health - Workers' Compensation Case Management Unit

- **Funeral benefit preparation**

Responsibility of Personnel Transactions and the Office of Safety and Health - Workers' Compensation Case Management Unit:

SCIF pays actual cost of funeral expenses up to \$5,000. It should be expected that most family members do not know about this benefit. In order to ease the burden and assist family members, the Personnel Office representative should do the following:

1. Notify SCIF of fatality.
2. Send SCIF adjustor "draft/dummy" copy of Form SCIF 3067 (SCIF adjustor will open claim file.)
3. Provide (telephone/FAX) with funeral arrangements:
 - name, phone of family or friend making arrangements;
 - name, phone of funeral provider; and
 - SCIF adjustor will coordinate with funeral director.
4. SCIF adjustor will contact family/designee:
 - will discuss details with family/designee, and
 - will arrange for direct payment to funeral provider.
5. Send SCIF completed Form SCIF 3067.

- **Letter of condolence**

Responsibility of Director's Office

- **The Personnel Officer shall assign a key individual to oversee and ensure that a communications link is kept open with the family and periodic contact is maintained until State death benefits and other survivor benefits are determined, or until such time that further contact is not appropriate**

Responsibility of Personnel Transactions with assistance from the affected employee's chain-of-command

- **Accommodate employee requests for time off to attend funeral services**

Responsibility of affected employee's supervisor and chain-of-command (See Part 3, Section 19.3-1.)

- **Consider EAP assistance and referral services for employees**

Responsibility of affected employee's supervisor or other managers in the chain-of-command, with assistance from the Office of Safety and Health

SPECIAL NOTE:

- **Notify California Transportation Foundation**

Responsibility of Chief, Office of Personnel Operations

By agreement with the Director's Office and the California Transportation Foundation, the Chief, Office of Personnel Operations will notify the Foundation whenever there is a work-related serious injury, illness, fatality, or an employee and/or family assistance situation arises.

19.1-3 REPORTING NON-CALTRANS EMPLOYEE

This section applies ONLY to NON-Caltrans employees working on a Caltrans project.

If a non-Caltrans employee is injured, becomes ill, or is killed, the Resident Engineer, Area Superintendent, or other appropriate Caltrans manager/supervisor shall obtain the name of the company, contractor, consultant, and other pertinent information, and shall notify the appropriate management personnel.

A non-Caltrans employee is defined as: a contractor's employee, a consultant retained by the Department, Adopt-A-Highway groups, Special Programs People (litter pickup/probationers), or a visitor to a Caltrans work area.

For the purpose of this protocol, the notification requirements for a non-Caltrans employee is limited:

- Managers and supervisors should rely on emergency responder and/or emergency medical provider notification procedures, such as those routinely handled by police and hospital authorities for family members and other notifications.
- Managers and supervisors do have an obligation to cooperate and share information with contractor and/or consultant personnel, and may establish a liaison between the Department's functional area manager and the affected contractor and/or consultant.

19.1-4 REDUNDANT REPORTING

The Director of Transportation has charged the Chief, Office of Safety and Health with the responsibility to conduct redundant reporting whenever a serious injury, illness, or fatality occurs. The purpose of the redundant reporting is to ensure that the affected employee's chain-of-command has notified other departments, agencies, and jurisdictions about each qualifying event.

The redundant reporting is essentially a personal inquiry by the Chief of Office of Safety and Health to affirm all reporting and notification requirements have been completed. Managers and supervisors are requested to cooperate with the Chief, Office of Safety and Health when inquiries are made about the reporting and notification requirements.

19.1-5 RELEASE OF PERSONAL INFORMATION

Release of the Caltrans employee's name, notification to the spouse, family member, or designated individual, **shall not** be made without the **knowledge and approval** of the Personnel Office.

Also the name of the injured, ill, or fatally injured employee **shall not** be released to the news media, or to others outside of the Department, until the spouse, family member, or designated individual has been notified.

19.1-6 NOTIFYING FAMILY MEMBERS

The notification of family members shall be handled by personal visit, not by telephone. The Director's staff, Program Manager, Service Center Director, Office Chief, Maintenance Manager, or similar positions of authority have been identified as the appropriate level of management to notify the affected employee's family member or designated individual.

Whenever it is impractical for one of these individuals to make the initial notification, he/she shall designate a representative to act in their behalf.

The affected employee's personnel files should be reviewed to confirm family name/individuals are listed for notification and to ensure there are no conflicts between the names listed and other persons who may have been pre-selected by the employee.

* * * * *

19.1-7 COMMUNICATIONS SECTION - HEADQUARTERS OR DISTRICT

The Communications Section operator (Headquarters or District) shall notify, by telephone or personal visit, the Offices (Headquarters or District) of Safety and Health of all teletype and/or facsimile messages regarding any serious occupational injury, illness, or fatal accident as soon as possible. Copies of all messages shall be accumulated and delivered to the Offices (Headquarters or District) of Safety and Health as soon as possible after receipt.

The Communications Section operator shall also cooperate and send, as appropriate, all teletype and/or facsimile messages regarding any serious occupational injury, illness, or fatal accident as soon as possible to:

- The District Division Chief for the functional area;
- The District Director;
- The Program Manager for the functional area;
- The Service Center Director;
- The Director's Office;
- The Departmental Personnel Officer; and

Communications Operators shall specify, in the cases of fatalities, whether they are:

1. Repeating a formal identification established by a Coroner's Office, other recognized authority; or
2. Repeating informal information from co-worker or eyewitness statements.

* * * * *

PART 2. ROUTINE NOTIFICATION AND REPORTING

19.2-1 CHAIN-OF-COMMAND REQUIREMENTS

The following represents the Department's protocol for reporting serious occupational injury, illness, or fatality in the chain-of-command to Departmental personnel, other agencies or jurisdictions.

The titles of individuals and/or the names of offices listed below are provided as a general guide and are not displayed in order of strict priority.

Individuals in the identified positions shall comply with the reporting requirements listed after each position/office name.

1. FIRST-LINE SUPERVISOR

The first-line supervisor shall notify:

- a. Their supervisor of the injury, illness, or death.
- b. Their Office Chief, Area Superintendent, Branch Chief, Shop Superintendent (within his/her chain-of-command).
- c. His/her supervisor of the name of the person designated to be notified as shown on the employee's emergency contact notice.
- d. Other line managers deemed appropriate; and,
 1. Review employee's emergency contact information.
 2. Review the employee's records to compile data on leave balances and other compensable items. (Coordinated with Personnel Transactions.)

2. SECOND-LINE SUPERVISOR

The second-line supervisor shall notify:

- a. The District Division Chief for the functional area.
- b. The District Director.
- c. The Program Manager for the functional area.
- d. The Personnel Office.
- e. The employee's family, in coordination with the Personnel Officer.
- f. The affected employee's family or designated individual.
- g. The District or Headquarters Safety and Health Officer.
- h. The District or Headquarters Labor Relations Officer.
- i. The District or Headquarters Public Affairs Officer.

3. DISTRICT SAFETY AND HEALTH OFFICER

The District Safety and Health Officer shall notify:

- a. The Headquarters Office of Safety and Health.
- b. The Department of General Services, Office of Risk and Insurance Management.
- c. The State Compensation Insurance Fund (SCIF).
- d. The Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), Cal-OSHA.
- e. Confirm that Personnel has contacted SCIF and initiate SCIF claim process, funeral benefits, and funeral provider payment.

4. DEPARTMENTAL SAFETY AND HEALTH OFFICER

The Departmental (Headquarters) Safety and Health Officer will make the following notifications for Sacramento area Program Managers, and shall comply with Section 19.1-3 Redundant Reporting:

- a. The Department of General Services, Office of Risk and Insurance Management.
- b. Division of Occupation Safety and Health (DOSH), Cal-OSHA.
- c. Make initial determination of the need for a DART, and/or coordinate DART with District/Headquarters functional managers.

5. DISTRICT PUBLIC AFFAIRS OFFICER

The District Public Affairs Officer will:

- a. Notify the Headquarters Public Affairs Officer.
- b. Coordinate all media and related information and act in cooperation with the Headquarters Public Affairs Office.

6. DEPARTMENTAL PUBLIC AFFAIRS OFFICER

The Departmental Public Affairs Officer will do the following:

- a. In cooperation with the Personnel Operations prepare background information on the victim or affected employee and the accident or qualifying event for release to family members and/or the media when it is determined to be the appropriate time.
- b. Coordinate activities, as appropriate, with the District Public Affairs Officer.

7. DEPARTMENTAL LABOR RELATIONS OFFICER

The Departmental Labor Relations Officer will do the following for all Caltrans employees:

- a. Notify the appropriate employee organization when a serious occupational injury or illness occurs, or when an employee is fatally injured in connection with any employment activity.
- b. Assist the Personnel Officer in determining the employee's bargaining unit management designation.

* * * * *

19.2-2 PERSONNEL OFFICE AND PERSONNEL TRANSACTIONS

The Personnel Office and Personnel Transactions will do the following:

- a. Review the employee's official personnel folder for notification of family members, designated physician, or other appropriate medical services, and list of contacts for beneficiaries for survivor and other benefits.
- b. Follow existing guidelines established by SCIF, Social Security, and PERS for the purpose of determining appropriate medical and/or survivor benefits.
- c. Contact SCIF as soon as possible following a fatality. Initiate SCIF claim process, funeral benefits, and funeral provider payment.
- d. Contact the Department of Personnel Administration (DPA) Benefits Division, Social Security Office, and Public Employees Retirement System (PERS).
- e. Contact the Department of General Services, Office of Risk and Insurance Management to arrange for life insurance payment.
- f. Have employee's work records reviewed to compile data on leave balances and other compensable items as appropriate.
- g. Identify the employee's bargaining unit management designation (B.U.M.D.) then contact DPA Benefits Division for non-represented employees and the District Labor Relations Officer for represented employees to determine available survivor benefits. Include those benefits as information for the employee's family (may confer with Headquarters Labor Relations).
- h. Prepare a letter of condolence from the Director to the family of the injured, ill, or fatally injured employee.
- i. Notify the California Transportation Foundation whenever there is a work-related fatality or an employee and/or family assistance situation arises.

NOTE:

The Personnel Office shall keep management informed of all plans and any problems which may arise.

The Personnel Office shall assist supervisors, managers, and others to ensure that family members are provided with the most current information regarding benefits.

PART 3. OTHER ROUTINE PROCEDURES AND ACTIVITIES**19.3-1 TIME OFF TO ATTEND FUNERALS**

District Directors, Program Managers, or Service Center Directors may:

- a. Accommodate employee requests for time off for the purpose of attending funeral services, provided the integrity of the workplace is maintained.
- b. Authorize other activities, upon concurrence of the Director's Office.

19.3-2 FAMILY VISITATION

The purpose of the visit is to establish a communications link with the employee's family so Departmental managers may provide assistance, information, and support, as may be deemed appropriate.

District Directors and Program Managers are encouraged to visit the family member(s) or designated individual of an injured, ill, or fatally injured employee and express the sympathy of the Department. Whenever it is impractical for them to do so, they shall designate an individual to act in their behalf.

The employee's supervisor or other appropriate persons are encouraged to accompany the District Director or Program Manager on their visit. Whenever it is impractical for them to do so they should designate an individual to act in their behalf.

Managers and supervisors should assess and/or consider alternative individuals if, for any reason, the affected employee or family does not have a harmonious relationship with any of the selected management representatives.

The individuals who participate in the visit should contact the Personnel Office to obtain the most current information about applicable medical benefits, workers' compensation, and/or survivor benefits before the visit.

NOTE:

Some judgement should be used when selecting a member of management to conduct a family visit. Selected individuals who may have a history of differing opinions than those of the injured, ill, or deceased employee should not, or need not, be asked to participate in a family visitation.

It is Department policy to provide the family member(s), or designated individual all reasonable assistance. Personnel Offices and Personnel Transactions shall establish and maintain procedures that include a checklist of contacts to ensure beneficiaries are notified of funds and/or benefits available.

The Personnel Office shall keep in close contact with the Director's Office, District Director, or Program Manager to inform them of all plans and any problems which may arise.

19.3-3 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Employee Assistance Program (EAP) is an employee benefit to help employees resolve problems which may affect work performance, through counseling and referral for employees and their families.

EAP is for employees who may show signs of struggling with a personal problem, or a work-related problem.

Supervisors should call the EAP whenever they need assistance in resolving an employee problem, and/or advise or guidance when planning a meeting with an employee to discuss performance problems.

An employee can obtain assistance through 1) self-referral or 2) informal referral by his/her supervisor, and 3) formal supervisory referral to the EAP.

EAP counseling is available to those employees affected by traumatic incident. Managers and supervisors are responsible for arranging this service by contacting the District or Headquarters Safety and Health Office.

Supervisors should ensure that employees are given a copy of the "Employee Assistance Program" pamphlet, and have a copy of the Employee Assistance Program, "Supervisor's Handbook."

PART 4. INVESTIGATIVE PROCESSES

There are three (3) types of investigative efforts that may be initiated to examine either an injury, illness, or fatal accident involving a Caltrans employee. The following briefly defines each process:

1.) **Departmental Accident Review Team (DART):**

This is a Caltrans internal process used to conduct a joint/cooperative review of the accident, with the affected program manager's staff, and a critique of specific program-related policies, procedures, and work practices being followed by the employee(s) at the time of the accident.

The DAR[Team] also uses the opportunity, during the accident and policy review, to see if the supervisor is in compliance with Departmental policy as required in the Department's Injury and Illness Prevention Program.

2.) **Multi-disciplinary Accident Investigation Team (MAIT):**

This is a California Highway Patrol (CHP) in-depth accident scene investigative effort initiated whenever a major injury or fatal motor vehicle highway accident occurs involving a Caltrans employee or operation.

3.) **Cal-OSHA:**

This is a Department of Industrial Relations (Cal-OSHA) investigative effort, used occasionally, whenever a serious occupational injury, illness, or fatality occurs involving a Caltrans employee or operation.

19.4-1 The DEPARTMENTAL ACCIDENT REVIEW TEAM (DART)

Following notification that an accident occurred, the Chief, Office of Safety and Health, in discussions with the District Director, Program Manager, or Service Center Director of the affected employee, will determine if a DART should be established.

The initial consideration for establishing a DART is based upon whether or not the accident qualifies for notifying Cal-OSHA.

The criteria for the Cal-OSHA notification is described below in the section titled: Qualifying Definitions for a DART - The Triggering Event, and is based upon the need for hospitalization and severity of the injury to the affected employee.

- **Purpose and Scope of a DART**

A DART is an operational program review and an administrative review process, not an accident investigation, per se, because its primary focus is to review Departmental policies, procedures, and work practices.

Its primary focus is to make an operational review of specific program-related policies, procedures, and work practices being used, at the time of an accident, to see if they were understood, correctly interpreted, and properly followed. This type of review is also done to see if the affected employees had the necessary equipment, were properly trained and qualified, and if they performed their task in accordance with specific program-related work rules and safety policies.

Its secondary focus is administrative, because it is essentially a retrospective look at how well the Department's Injury and Illness Prevention Program (based on Section 3203 of the General Industry Safety Orders, and Section 1509 of the Construction Safety Orders) has been implemented and maintained by the affected employee's supervisor, and his/her chain-of-command (Program Manager).

Combining both operational and administrative review techniques, the DART members want to see documentation which demonstrates that the supervisor is in compliance with specific program-related policies, and the Department's Injury and Illness Prevention Program by confirming that he/she:

1. Has a copy of the Caltrans Safety Manual?
2. Understands what the Department's Injury and Illness Prevention Program is, and his/her role in fulfilling the requirements?
3. Has regularly scheduled meetings with their employees to discuss safety and health issues?
 - Every 10-days for field workers.
 - At least quarterly for office workers.
4. Conducts and documents periodic facility safety inspections or operational reviews of all worksites?
5. Investigates and documents all reported occupational injuries and illnesses?
6. Provides training covering hazards basic to all work and hazards unique to each job assignment?
7. Routinely talks to employees and enforces all safety and health laws, rules, policies, and regulations?
8. Maintains appropriate safety and health-related records?

These items cover the same information and documentation that a Cal-OSHA Compliance Officer would request to see during an inspection or accident investigation.

- **Qualifying Definitions for a DART , The Triggering Event.**

The Chief, Office of Safety and Health, in discussions with the District Director, Program Manager, or Service Center Director of the affected employee will decide if a DART is needed based upon the circumstances surrounding each event.

As a matter of policy, a DART may be established whenever there is a fatal accident, or when the severity of a serious occupational injury, illness falls within one or both of the following Cal-OSHA definitions:

1. The first definition is based upon inpatient hospitalization and severity of the injury. The definition states in part:

Section 330(h) “ . . . any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation, or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, . . . ”

Based on this definition, if an employee becomes injured or ill and is hospitalized in excess of 24 hours for other than medical observation, or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, management may establish a DART.

2. The second definition is based upon a “notification” requirement. Cal-OSHA requires that every employer shall report, by telephone within 8 hours, to the local or region office of the Department of Industrial Relations any serious injury, or illness, or death. The definition states in part:

Section 342(a) “ . . . any serious injury, or illness, or death of an employee occurring in a place of employment or in connection with any employment.”

Based on this definition, whenever a serious injury, illness qualifies for notifying Cal-OSHA, or whenever a fatality occurs and Cal-OSHA is notified, management may establish a DART.

See Section 19.0-3.1 Cal-OSHA REPORTING REQUIREMENT AND DEFINITIONS, above for full text of definitions.

- **DAR[Team] Selection and Participation**

The DAR[Team] is made up of a group of employees, consisting of a member of the Headquarters Office of Safety and Health, a representative from the District, or Program Manager, or Service Center Director's staff of the affected employee, and others with select skills.

The Headquarters Safety and Health staff member acts as the leadperson in soliciting individuals to participate as DART members, and also acts as the primary author of a written confidential DART report.

Every effort is made to put together a team of employees who are knowledgeable in applicable policies, procedures, and work practices being followed at the time of the accident, and knowledgeable of other Departmental policies, procedures, and work practices which may appear in various manuals and other/or Departmental sources.

- **The DART Report and Approvals**

In order to ensure uniformity and quality, DART reports include the following:

- Factual information covering the accident and accident scene;
- Damage to vehicles/property and mechanical inspections;
- Personnel history information and training;
- Toxicology (alcohol/drug impairment);
- Judicial disposition;
- Witness statements;
- Analysis of safety policies, procedures, and work practices;
- Conclusions;
- Findings and probable cause;
- Recommendations; and/or
- Peripheral issues as may be warranted.

The DART members jointly participate in doing research, gathering and analyzing facts, and formulating recommendations.

The DART members make recommendations to management which may affect policy, procedural actions, changes in work practices, legislative efforts, training, and other appropriate actions including specific recommendations regarding equipment and/or tool purchases.

The Headquarters Safety and Health staff member acting as the leadperson, and author, writes a report of the groups findings, conclusions and recommendations.

The report is approved by the Chief, Office of Safety and Health. Copies of the DART report are sent to the members of the Caltrans Safety and Health Advisory Committee for review. See Chapter 1- Management Structure, Section 1.13 DEPARTMENTAL SAFETY AND HEALTH ADVISORY COMMITTEE, for a description of the committee's responsibilities.

(A separate review of the DART report is made by the Legal Program to ensure that the report does not contain any legal conflicts.)

A meeting is scheduled with the Caltrans Safety and Health Advisory Committee, their staff or designee, at which time the DART report is discussed and comments are solicited from each member or participant.

The Caltrans Safety and Health Advisory Committee members limit their comments to approving the recommendations. The Committee may suggest alternate or additional recommendations.

NOTE:

It is expected that the DART report has accurately stated the facts surrounding the accidents, and the analysis, findings, and conclusions support the recommendations, thus making it unnecessary for the Caltrans Safety and Health Advisory Committee members to alter the final report.

Upon concurrence by the Committee members the Chief, Office of Safety and Health sends the recommendations to the appropriate Program Manager for appropriate action and/or implementation.

The Chief, Office of Safety and Health periodically monitors the implementation plan of the Program Manager and provides status reports to the Caltrans Safety and Health Advisory Committee members, as may be required.

**19.4-2 THE CALIFORNIA HIGHWAY PATROL'S
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM**

Whenever a major injury or fatal motor vehicle accident occurs involving a Caltrans employee, the California Highway Patrol (CHP) routinely conducts an in-depth accident scene investigation known as a Multi-disciplinary Accident Investigation Team (MAIT).

The area CHP officer arriving at the scene of an accident is responsible to make an initial determination of the need for MAIT assistance. The area CHP Commander makes the final decision and requests the MAIT team to respond to the accident scene.

The MAIT (team) consists of a CHP coordinator, a ranking CHP officer, a Traffic Officer, a Motor Carrier Specialist, and a Caltrans registered civil engineer.

The findings and conclusions of the MAIT are presented to the Department in a written report.

The DART members use the MAIT report as a source of factual information covering specific details of the accident and the accident scene. The MAIT report describes the physical environment of the accident scene.

The date, time of day, location, highway alignment, weather conditions, vehicle damage, and witness statements gleaned from the MAIT report can be useful to supplement the DART report.

19-4-3 THE Cal-OSHA PROCESS

When a serious occupational injury, illness, or fatality occurs involving a Caltrans operation at a fixed worksite, like a building, or in a maintenance/construction work zone, the Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), Cal-OSHA, may conduct an accident scene investigation.

A written Cal-OSHA investigative report is not usually presented to the Department. The Cal-OSHA findings and conclusions are normally presented to the Department in the form of written citations based on alleged violations of Cal-OSHA safety and health standards.

The Cal-OSHA citations can be used by the DART as a source of factual information covering specific details of the accident and accident scene. The information can also be used to determine if applicable safety and health policies, procedures, and work practices were followed correctly, or could have been a contributing factor in causing an injury, illness, or fatality. Information gleaned from the Cal-OSHA citations can be useful to supplement the DART report.

NOTE:

Because construction work zones are closed to regular vehicular traffic, they are not subject to the same vehicle accident investigation process that the CHP routinely conducts. Therefore, accidents that occur in construction work zones may be investigated by Cal-OSHA and not the CHP. Each agency has different jurisdictions but may conduct independent investigations and prepare separate investigative reports.

REPORTING INJURIES, ILLNESSES, AND FATALITIES

JULY 1996

19-26

SPECIAL REPORTING OF SERIOUS INJURY, ILLNESS, OR FATALITY

THIS SPACE AVAILABLE FOR NOTES: